The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

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Why Smoke Alarms?

- Nearly 40% of fire related deaths occur in properties without working smoke alarms.
- 2010 Building Regs requires all new build properties (those built on or after 1st June 1992) to have hard wired smoke alarms installed on at least each storey of the property.
• Only 83% of properties in the private sector have working smoke alarms

• Private sector tenants remain less likely to be protected by working smoke alarms than owner occupiers/renters in social housing
Why Carbon Monoxide Alarms?

- Carbon Monoxide is a serious and preventable form of poisoning
- Each year there are around 40 deaths from accidental carbon monoxide poisoning in England and Wales.
- Building Regulations 2010 also introduced the need for installation of a Carbon Monoxide alarms in all properties when a solid fuel heating system is first installed.
- There is no requirement to install an alarm where the solid fuel system was installed before the 1st October 2010.
What has been done?

What do they require you to do?

They require private sector landlords from 1\textsuperscript{st} October 2015 to have:

- At least one smoke alarm on every storey of the premises which is wholly or partly used as living accommodation
  - Storey
  - Living accommodation

- A carbon monoxide alarm in any room used as living accommodation where solid fuel is used.
  - Open fire/log burning stoves
Who is Responsible
The person responsible is the ‘relevant’ landlord
that being the immediate landlord in respect of the specified tenancy.
What are you responsible for?

• Ensuring alarms are installed in your properties with effect of 1st October 2015. **No Grace Period**

• Installing either battery operated or hard wired smoke alarms and NOT heat detectors.

• Ensuring they are installed correctly, you can always check with your local fire & rescue service.

• Ensuring that after this date all alarms are in working order at the start of each new tenancy.
• Thus testing alarms on the first day of the tenancy to ensure that all are functioning.
• Get your tenants to check them regularly during their tenancy to ensure they work.
• Provide replacement batteries or alarms during a tenancy if it is reported that alarms are not in working order.
• Re-check on the first day of every new tenancy.
• **TOP TIP** - Evidence your checking.
Who is exempt?

• **Social Housing**

• **Houses in Multiple Occupation**
  - Licensed HMOs are exempt from the legislations as fire safety is picked up within the HMO Licensing in Housing Act 2004. Non Licensed HMOs will apply.

• **Live in landlords**
  - If a tenant shares the accommodation with the landlord or landlords family (that is they share amenities) then this regulation is exempt.

• **Long Leases**
  - Leases which grant an occupation of 7 year or more without a break of clause for either party are excluded.
Further Exemptions

- Student halls of Residence
- Hostels and Refuges
- Care homes, hospices, hospitals and Hospital accommodation

The above are all exempt as they are covered by the Regulatory Reform (Fire Safety) Order 2005 as well as approved codes of practice for student halls which all go over above these regulatory requirements.
What happens if I don’t do it?

- Landlords are expected to be compliant as of 1st October 2015.
- It is a landlords responsibility to get the alarms installed.
- It is the landlords responsibility to prove compliance to a local authority.
- L.A is responsible for enforcing the regulations.
Enforcement

- Issuing of Remedial Notice on the ‘relevant’ landlord where they have reasonable grounds to believe the landlord has not complied with any one of their three duties under these Regulations.
- Landlord must comply with the remedial notice within 28 days of the notice being served.
- Failure to comply with the Notice places the L.A under a duty where the occupier consents to arrange remedial action.
- L.A may also impose a civil penalty charge of up to £5000 on landlords who are in breach of their duty to comply with the remedial notice.
Other Legislation

• Part 1 Housing Act 2004

• Lacors Guide,

• Fire Safety Reform Order 2005 – common parts in converted dwellings
How to contact me

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